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Attorneys for Defendant  
UNITED STATES OF AMERICA

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
Oakland Division**

LORENZO OTIS,	)	Case No. 4:21-CV-02472-HSG
	)	
Plaintiff,	)	<b>STIPULATION FOR INDEPENDENT</b>
	)	<b>MEDICAL EXAMINATION;</b>
v.	)	<b>ORDER</b>
	)	
UNITED STATES OF AMERICA,	)	
	)	Personal Injury)
Defendant.	)	[Jones Act 46 U.S.C. § 30104]

The Parties to this action, plaintiff LORENZO OTIS ("Plaintiff") and defendant UNITED STATES OF AMERICA ("Defendant"), collectively referred to below as the "Parties" by and through their respective counsel of record, hereby stipulate that Plaintiff

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1 will undergo a physical examination pursuant to Rule 35 of the Federal Rules of Civil  
 2 Procedure. Said examination shall take place on **March 22, 2022 at 11:00 a.m.**, conducted  
 3 by Clement K. Jones, M.D., P.C. in his offices located at 1199 Bush Street, Suite 640, San  
 4 Francisco, California 94109, Telephone: (415) 563-6325.

5 The Parties stipulate to the items below:

- 6 1. This will be the only Defense Medical Examination ("DME") allowed in this  
 7 matter.
- 8 2. The examiner will not require Plaintiff to sign any paperwork. Plaintiff will  
 9 provide a photo ID for identification purposes if necessary.
- 10 3. The examiner will retain all handwritten notes, e-mails (sent and received, and  
 11 all documents generated or received, including draft reports related to the  
 12 examination).
- 13 4. No later than 30 days following the examination, the examiners will produce a  
 14 copy of their entire file related to their respective exam, including any test for  
 15 materials/raw data.
- 16 5. The examiners will forward a copy of the examination report to Plaintiff's  
 17 counsel at the same time that the report is sent Defendant's counsel without  
 18 delay, pursuant FRCP 35.
- 19 6. The examiners will accurately report the findings and test results.
- 20 7. To ensure accuracy of the report, Plaintiff may audio-record the examination.
- 21 8. The DME examiner can ask about the Plaintiff's general medical history, what  
 22 happened in the subject incident (no liability type questions), what body parts  
 23 were injured in the subject incident, whether he had prior injury to those specific  
 24 body parts and treatment he received for injury sustained.
- 25 9. Plaintiff may have either his attorney present or a third-party nurse examiner  
 26 present. Regardless of who attends with Plaintiff, the attendee will not ask any  
 27 questions and will only observe the examination.

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10. Neither defense counsel nor any of its representatives will attend the examination.

11. No x-rays or radiographs may be obtained during the examination, including, but not limited to, EMG, EEG, MRI, CT scans, etc.

12. Plaintiff will advise counsel for Defendant if he is unable to attend the exam as scheduled no fewer than five (5) days before. If Plaintiff cancels the exam fewer than five days before, he shall be responsible for Dr. Jones' late fee.


Dated: January 20, 2022

COX, WOOTTON, LERNER,  
GRIFFIN & HANSEN, LLP  
Attorneys for Defendant,  
UNITED STATES OF AMERICA

By:   
Susan F. Shapiro

Dated: January 20, 2022

LAW OFFICES OF LYLE C. CAVIN, JR.  
Attorneys for Plaintiff  
LAWRENCE BENJAMIN

By:   
Lia T. Marks

**SIGNATURE CERTIFICATION**

I, Susan F. Shapiro, counsel of record for Defendant United States of America, hereby certify that the content of this document is acceptable to Lia T. Marks, counsel of record for Plaintiff Lorenzo Otis, and that I have obtained her authority to affix her electronic signature to this document.

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**ORDER**

The above Stipulation for Plaintiff's Independent Medical Examination pursuant to Rule 35 of the Federal Rules of Civil Procedure is hereby GRANTED.

IT IS SO ORDERED.

Dated: 1/26/2022

  
DISTRICT JUDGE HAYWOOD S. GILLIAM, JR.

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